

CIVIL MARRIAGES OUTWITH REGISTRATION OFFICES

A White Paper issued by
The Scottish Executive
setting out proposed changes in the law



Foreword

Since statutory registration of births, deaths and marriages in Scotland began in 1855, the task has always been undertaken by a successful partnership between the Registrar General for Scotland and district registrars operating locally as officers of Scotland's local councils.

The proposals outlined in this White Paper are the results of an initiative by both sides of this partnership and follow on from the extensive consultation which was carried out in 1998 by the Registrar General. That consultation opened up consideration of changes to the arrangements for civil marriages to allow the use of venues other than the present local registration offices.

The responses to the 1998 consultation were overwhelmingly in favour of the principle of new primary legislation to authorise civil marriage outwith registration offices. As a consequence, on 24 March 2000, Euan Robson MSP, now Deputy Minister for Parliament at the Scottish Executive, lodged a proposal for a Member's Bill in the Scottish Parliament:

"To permit civil marriages to be solemnised at locations other than registration offices; and to authorise local authorities to license locations for that purpose and to charge fees to meet related costs and for connected purposes."

Euan Robson's proposal had support from a number of MSPs and also from the Scottish Executive. Consequently, it is now our intention to take forward the proposal as a Scottish Executive Bill. The proposals are set out in this paper, together with the draft Bill and a draft of the potential Regulations that would flow from the Bill once it is enacted.

I value this opportunity to set out our proposals in this way. This builds on the consultation in 1998 and allows us to obtain the current views of the people of Scotland on the details of what we propose. I shall look forward to hearing the views expressed in response to this paper.

A handwritten signature in black ink that reads "Jim Wallace". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Jim Wallace

Deputy First Minister and Minister for Justice

CIVIL MARRIAGES OUTWITH REGISTRATION OFFICES

Introduction

0.1 This paper sets out the detail of the Scottish Executive's proposals on a possible change to the law of Scotland which would allow civil marriages (that is, those marriages which are not solemnised by a religious celebrant) to take place elsewhere than in the 247 local offices of authorised district registrars. It also seeks views on these proposals.

0.2 The consultation period is fairly brief. This is because the issues set out in this paper were the subject of extensive consultation by the Registrar General for Scotland in 1998. In addition, since then, the General Register Office for Scotland has been closely working with COSLA and the Association of Registrars of Scotland in developing the proposals that are described here.

0.3 The Registrar General of Births, Deaths and Marriages for Scotland is responsible not only for the recording of marriages in the appropriate registers, but for the administration of the statutes relating to the formalities of marriage and to the conduct of civil marriage. Any views on the content of this paper should be sent to one of the following addresses, to arrive before **17 August 2001**:

(by post)

Civil Marriage Consultation
New Register House
Edinburgh EH1 3YT

(by fax)

Civil Marriage Consultation
0131 314 4400

(by e-mail)

civil.marriage@gro-scotland.gov.uk

0.4 For views sent by fax or e-mail, please give a full postal address. The Registrar General will assume that those offering views are content to have these views attributed to them unless they specifically ask to remain anonymous.

0.5 The paper comprises four sections. The first sets out some **first principles**, explaining why the State should want to set any 'rules' for weddings, rather than allowing a completely free choice. These principles were regarded as important by those who responded to the 1998 consultation. The second section describes the **present position** both in Scotland and south of the Border. The third section sets out an **outline of the proposals**. The final section provides a commentary on the **draft legislation** i.e. both the draft Bill which is to be introduced in the Scottish Parliament and a draft of the potential Regulations that are envisaged. The latter is provided solely for information purposes at this stage. No Regulations will be made until the Bill is enacted.

Section 1

First principles

1.1 It is widely accepted that the State should continue to take an interest in the legal and social aspects of marriage as an institution. However in recent years the marriage *ceremony* has increasingly come to be seen as a matter whose elements, including venue and circumstances, are properly for choice by the couple, rather than part of a uniform package with elements all decided by some religious or municipal authority. It is important first to address what the State's legitimate interests are in civil marriage ceremonies. That distinction is firmly maintained in the proposals set out in this paper.

1.2 The State's specific interests in the **arrangements for civil marriage** are perhaps threefold:

recording the relationship: The essence of the marriage ceremony is that the couple confirm their consent to the relationship, in the presence of each other, and in front of witnesses, after which it is formally and permanently recorded in an official book. Accuracy and reliability of the record are essential. The present Scottish procedure whereby the paperwork for all marriages, civil and religious, before and after the ceremony, is done by the local registrar, an official specially appointed for the purpose, and by no-one else, works well. There is no intention to change this.

seemliness and dignity of the ceremony: Marriage puts an official stamp of seriousness upon a relationship, and of course very significant legal and economic consequences flow from the multi-faceted marriage contract, underwritten by the State. Most people would regard it as important that the ceremony itself, marking the beginning of this contract, should focus the minds of the couple, and of others present, on its significance. Marriage ceremonies, civil or religious, should therefore be seemly and dignified rather than tawdry or frivolous.

'reasonableness' of venues for civil marriages: A related but not quite identical point relates to civil marriage only. The present law of Scotland authorises a very wide range of religious celebrants to solemnise religious marriages, and the effect is to put very few constraints upon the personal preferences of the couple for a religious marriage ceremony of a particular kind in a particular place, as long as the religious celebrant agrees. Whether they choose a cathedral, a mosque, their own home, a hotel, a canal-barge or a mountain-top, some celebrant can usually be found to marry them, and he or she can be presumed to have the authority to ensure it is done in a seemly and dignified way. Moreover, religious

celebrants are, by and large, free to make their own decisions about whether or not to conduct particular weddings, so if a celebrant is unhappy with anything inappropriate proposed by the couple, he or she can always say "No".

By contrast, registrars - who are local council employees working to detailed instructions issued by the Registrar General - are acting as officials of the State and, as such, they may find it more difficult to say "No" without good reason. The State therefore has an interest in ensuring a rather greater degree of control over the 'reasonableness' of venues for *civil* marriages, because it needs to protect individual registrars from discomfiture in the face of couples' unusual choices of venue or circumstances, even where seemliness and dignity may not apparently be at risk. At the very least the State needs to offer some such protection against unreasonable demands in order to ensure it can recruit, retain and motivate people to be local registrars.

Section 2

Present position in Scotland

2.1 The total number of weddings in Scotland has fallen, from a peak of over 53,000 in 1940 and some 43,000 annually in the early 1970s to just over 30,300 in 2000 (provisional figure).

2.2 Since 1940, when marriages were first solemnised by registrars, Scotland now has an established level of civil marriages, with the ratio of civil to religious weddings now at 40:60.

2.3 Over the period 1940-2001 the nature of the civil marriage 'product' has changed significantly. A typical civil wedding was once a way of recording a relationship quietly in an ordinary office, during office-hours, and was in effect a 'non-ceremony' for people who

for one reason or another did not want a church wedding. Some civil weddings still are of this nature, but many now are full-scale ceremonies, often at weekends, with traditional wedding attire, music, photography and video, and numerous guests present in addition to the two statutory witnesses.

2.4 The Marriage (Scotland) Act 1977 ("the 1977 Act") allows civil marriages to be solemnised by any authorised registrar in his or her local registration office. Only in exceptional cases where a party is unable to attend by reason of serious illness *and* where the marriage cannot be delayed does the Act permit a civil marriage to be solemnised outwith a registration office.

2.5 Scotland offers a wide choice of some 247 offices with an authorised registrar, and the couple seeking to be married are not restricted to the office(s) in their area(s) of residence. While some registrars work from home, or from small offices with limited scope for development, recent investment on the part of local councils has led to many marriage-rooms of very high quality.

Present position in England & Wales

2.6 Until April 1995 English civil marriages were restricted to specific registration office(s), for the district(s) in which the couple lived, but a Private Member's Bill, enacted as the Marriage Act 1994, provided for the kind of choice of local office which was already available in Scotland - and in addition allowed local authorities in England & Wales to approve specific buildings for the celebration of civil marriages, and to set fees both for consideration of applications for approval and for the attendance of registrars on specific occasions to solemnise marriages there. The first feature of the English Act was important for many people, removing an irksome restriction, but the second feature has also proved popular. English law already designated specific buildings for religious marriages, so the 1994 Act fitted into the tradition of specifying buildings rather than celebrants, in contrast to Scotland. It is

understood that the new arrangements in England and Wales are working well.

Section 3

Outline of proposals

3.1 Our intentions for legislation flow from the proposals for a Bill which was lodged by Euan Robson (see *Foreword*). In turn, that had its origins in the Registrar General's and COSLA's suggestions as outlined in the 1998 consultation paper *Civil Marriages Outwith Registration Offices*.

3.2 It proposed that local councils should be given power to approve specific sites as venues for civil marriages. A temporary approval should also be available to cover use of a site for a specific civil marriage. In so doing, local councils would wish to preserve the dignity of the marriage ceremony. Guidance set by the Registrar General to councils on approving venues for civil marriages would take account of the need to preserve the clear distinction between a civil and a religious marriage.

3.3 It was also considered that any new arrangements should be 'resource-neutral'. An approval scheme would require a council official to inspect the marriage venue beforehand, and to consult with the council's local registrar. The additional costs of the approval process would need to be met by the fee charged to the manager of the venue, whose prices would reflect it, so the costs would ultimately be met by the couple, or whoever paid for the wedding. The significant extra costs of staffing the local registration service to solemnise marriages at various locations in the district would similarly need to be met by an increased fee charged directly to the couple.

3.4 The earlier consultation also proposed going beyond what is provided in England and Wales to include 'places' rather than buildings. This would allow a civil marriage other than inside a building, for example in a marquee or in the open air, or on board a vessel provided it

remained within the appropriate registration district. These circumstances would already be possible for religious marriages in Scotland.

3.5 Another extension could be to permit a location to have a temporary approval for a single specific wedding, not just a three-year authorisation. A temporary approval could be quite expensive, given that all the local council's costs had to be met. Nevertheless, there is no reason to rule out such flexibility if couples are prepared to pay.

Section 4

Draft Legislation

4.1 The convention with legislation is to set out the broad principle of what is to be achieved on the face of a Bill, but to supplement this with Regulations that set out the detailed procedures. This allows any changes in procedures to be made in the future without the necessity of seeking primary legislation. However, this still provides for appropriate Parliamentary scrutiny as any Regulations would be considered by the Scottish Parliament. That is the proposed structure for the draft legislation for civil marriages outwith registration offices.

4.2 The present law – in the Marriage (Scotland) Act 1977 (the 1977 Act) – does not limit the choice of venue for a religious marriage, but does restrict the venue for a civil marriage (carried out by a local registrar) to a local registration office, unless there are exceptional circumstances such as serious illness. The relevant provisions are in Section 18 of the 1977 Act.

4.3 Consequently, the draft Bill at **Appendix 1** will amend Section 18 of the 1977 Act to extend the venue where a civil marriage may be solemnised to an “approved place”. It will also add a new Section 18A which will provide for a licensing scheme, the detail of which will be set out in Regulations which will be supported by guidance promulgated by the Registrar General for Scotland. Finally, the Bill will add a new offence to the list of

offences in Section 24 of the 1977 Act: that of an authorised registrar solemnising a marriage otherwise than in accordance with the 1977 Act.

4.4 As noted above, we have provided a draft of what might be considered reasonable by way of Regulations, using the assumptions and proposals in **Section 3** as a guide. So, the draft Regulations at **Appendix 2** set out:

- the parties who may apply for approval of a place as a location for a civil marriage (either for a period of 3 years or for a temporary approval) and the application procedures (together with procedures for the review of decisions by the local authority and for appeals to the Sheriff Court);
- the considerations to be taken into account by the local authority, including certain criteria (no recent or continuing connection with religion/religious practice, seemly and dignified venue for the solemnisation of marriage, the authority has obtained and considered the views of the appropriate district registrar; fire precautions; availability of the location);
- the power to impose standard and additional conditions on an approval;
- duration, renewal and grounds for revocation of an approval;
- determination of fees by the local authority for the approval of places;
- keeping by the local authority of a register of approved places in its area;
- the issue of supplementary guidance by the Registrar General, which a local authority must take into account.

4.5 The Scottish Executive would be grateful to have the views of any interested member of the public on the proposals outlined above, and on the appended draft legislation.

DRAFT MARRIAGE (SCOTLAND) BILL

An Act of the Scottish Parliament to amend the Marriage (Scotland) Act 1977 so as to enable civil marriages to be solemnised in certain places approved by local authorities; and for connected purposes.

1 Solemnisation of civil marriages at places approved by local authorities

- (1) The Marriage (Scotland) Act 1977 (c.15) shall be amended in accordance with subsections (2) to (4) below.
 - (2) In section 18 (places at which civil marriages may be solemnised)-
 - (a) in subsection (1), after the word-
 - (i) “marriage” there shall be inserted “(a)”; and
 - (ii) “office” there shall be added “; or
 - (b) at an approved place in his registration district”;
 - (b) in subsection (2), after the word-
 - (i) “marriage” there shall be inserted “(a)”; and
 - (ii) “registrar”, where it second occurs, there shall be added “; or
 - (b) at an approved place in the district of another authorised registrar”; and
 - (c) after subsection (5), there shall be inserted-

“(6) For the purposes of this section “approved place” means any place approved by virtue of regulations made under section 18A of this Act.”.
- (3) After section 18 there shall be inserted-

“18A Approved places

- (1) The Scottish Ministers may by regulations make provision for or in connection with the approval by local authorities of places in their areas in which civil marriages may be solemnised.
- (2) Regulations under subsection (1) above may in particular include provision as to-
 - (a) the kinds of place in respect of which approvals may be granted;
 - (b) the procedure to be followed in relation to applications for approval;
 - (c) the notification of applications to the public;

- (d) the considerations to be taken into account by a local authority in determining whether to approve any places;
 - (e) the procedure to be followed in relation to objections to applications;
 - (f) the duration and renewal of approvals;
 - (g) the conditions that shall or may be imposed by a local authority on granting or renewing an approval;
 - (h) the determination and charging by local authorities of fees in respect of-
 - (i) applications for the approval of places;
 - (ii) the renewal of approvals; and
 - (iii) the attendance by authorised registrars at places approved by the regulations for the purposes of solemnising civil marriages;
 - (i) the circumstances in which a local authority shall or may revoke or suspend an approval or vary any of the conditions imposed in relation to an approval;
 - (j) appeals to the sheriff from decisions of local authorities made by virtue of the regulations;
 - (k) the notification to the Registrar General of all approvals granted, renewed, revoked, suspended or varied;
 - (l) the notification to the district registrar for the district in which a place approved by the regulations is situated of all approvals relating to such a place which are granted, renewed, revoked, suspended or varied;
 - (m) the keeping by local authorities of registers of places approved by the regulations; and
 - (n) the issue by the Registrar General of guidance supplementing the provision made by the regulations.
- (3) Regulations under subsection (1) above may make different provision for different cases or circumstances.
- (4) The power to make regulations under subsection (1) above shall be exercisable by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.”.
- (4) In section 24 (offences), in subsection (1)-
- (a) the word “or”, where it occurs immediately after paragraph (d), is repealed; and
 - (b) after paragraph (e), there shall be inserted “; or
 - (f) being an authorised registrar, solemnises a marriage otherwise than in accordance with section 18(l) of this Act”.

2 Short title and commencement

- (1) This Act may be cited as the Marriage (Scotland) Act #####.
 - (2) Section 1 of this Act shall come into force on such day as the Scottish Ministers may by order made by statutory instrument appoint.
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DRAFT MARRIAGE (SCOTLAND) REGULATIONS

MARRIAGE

The Marriage (Scotland) Regulations

Made

Laid before the Scottish Parliament

Coming into force

The Scottish Ministers, under and by virtue of the powers conferred by section 18A of the Marriage (Scotland) Act 1977^(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation commencement and interpretation

1.—(1) These Regulations may be cited as the Marriage (Scotland) Regulations ##### and shall come into force on #####.

(2) In these Regulations—

“the Act” means the Marriage (Scotland) Act 1977;

“applicant” means an applicant for an approval, and “application” shall be construed accordingly;

“approval” means a period approval or a temporary approval;

“approval holder” means the person on whose application the approval was granted pursuant to these Regulations, or a person who is deemed to be the approval holder under regulation 9(3);

“approved place” means a place which has been approved by an authority under these Regulations and for which said approval is still current;

“authority” in relation to any place means the body which is the local authority for the area in which the place is situated;

“civil marriage” means a marriage solemnised by an authorised registrar pursuant to the Act;

“period approval” means an approval granted under regulation 3;

“place” means any place whose position within the Registration District can at the relevant time be suitably defined in words or figures for the purpose of recording where the marriage was solemnised and, without prejudice to the foregoing generality, includes any premises,

^(a) 1977 c.15; section 18A was inserted by section 1(3) of the Marriage (Scotland) Act ##### (asp).

fixed buildings, temporary structures, enclosures and similar structures, land (including any land covered with water in so far as within the jurisdiction of the registration district) and any vessels or vehicles;

“responsible person” means in relation to a period approval, the approval holder or an individual who is otherwise delegated with responsibility by the approval holder for the place in respect of which an application is made, and who has responsibility for ensuring compliance with the conditions attached to any approval; and

“temporary approval” means an approval granted under regulation 4.

- (3) In these Regulations, unless the context otherwise requires—
- (a) any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations; and
 - (b) any reference in a regulation to a numbered paragraph is a reference to the paragraph in that regulation bearing that number.

Applicants

2.—(1) An application for a period approval may be made to the authority by any person, following the procedures set out in regulation 3.

(2) An application for a temporary approval may be made to the authority by either of the parties to an intended civil marriage for any place which is not at the time of the application an approved place, following the procedures set out in regulation 4.

Period approvals

3.—(1) An applicant for a period approval shall deliver to the authority—

- (a) an application in writing, to include the name and address of the applicant;
- (b) a description of the place where it is intended that the civil marriage be solemnised sufficient to identify that place to allow the authority to inspect it and, in the case of a vessel or vehicle a description of that vessel or vehicle and the location at which it may be inspected; and
- (c) if the authority so requires, a fee, or an amount on account of that fee, determined in accordance with regulation 10.

(2) The applicant shall provide the authority with such additional information as the authority may reasonably require in order to determine the application.

(3) The authority may, if it considers it to be appropriate after receiving the application, arrange for the place to be inspected.

Temporary approvals

4.—(1) An applicant for a temporary approval shall deliver to the authority, no later than three months before the intended civil marriage—

- (a) an application in writing, including the name and address of the applicant, and the date and time of the intended civil marriage;
- (b) a description of the place where it is intended that the civil marriage be solemnised sufficient to identify that place to allow the authority to inspect it and, in the case of a vessel or vehicle a description of that vessel or vehicle and the location at which it may be inspected; and
- (c) if the authority so requires, a fee, or an amount on account of that fee, determined in accordance with regulation 10.

(2) The applicant shall provide the authority with such additional information as the authority may reasonably require in order to determine the application.

(3) The authority may, if it considers it to be appropriate after receiving the application, arrange for the place to be inspected.

Considerations to be taken into account by the authority in deciding an application

5.—(1) Before granting any period approval or temporary approval the authority shall satisfy itself that—

- (a) the application has been made in accordance with these Regulations;
- (b) the place is a place which fulfils the requirements set out in regulation 6(2);
- (c) the place fulfils any other reasonable requirements which the authority considers appropriate to ensure that the facilities provided at the place are suitable; and
- (d) full regard has been had by the authority to the guidance issued by the Registrar General under regulation 18.

(2) The authority shall as soon as practicable after making its decision notify the applicant in writing of that decision, said notification to include any conditions to be imposed under regulation 7 and the information required to be provided by the authority as set out in regulation 8.

(3) The authority shall, at the same time as it notifies the applicant under paragraph (2), send a copy of such notification to the district registrar in whose registration district the place lies.

Approved Place

6.—(1) Subject to the provisions of sections 18(3) to (5) of the Act, a civil marriage shall be solemnised only in an approved place which lies within the registration district in respect of which the Marriage Schedule has been issued by the district registrar under section 6(1) of the Act.

(2) A place shall not be approved by an authority as an approved place unless:

- (a) the place is, in the opinion of the authority, a seemly and dignified venue for the solemnisation of a marriage;
- (b) the authority is satisfied that the place has no recent or continuing connection with any religion or religious practice which would be incompatible with the use of that place for the solemnisation of marriages in pursuance of sections 18(1)(b) and 18(2)(b) of the Act;
- (c) the authority is satisfied that such reasonable provision has been made for the health and safety of persons employed in or visiting the place as the authority considers appropriate including, without prejudice to the foregoing generality, the benefit of such fire precautions as may reasonably be required by the authority;
- (d) the authority has obtained and considered the views of the district registrar in whose registration district the place lies; and
- (e) in respect of an application for a period approval, the place is likely to be regularly available to the public for use for the solemnisation of civil marriages.

Grant of Approval

7.—(1) In granting any approval the authority—

- (a) shall attach to a period approval the standard conditions contained in the Schedule; and
- (b) may attach to a temporary approval such conditions, and to a period approval such further conditions, as it considers reasonable in order to ensure that the facilities provided at the place are suitable and that the solemnisation of any civil marriage at the place does not give rise to a nuisance of any kind.

(2) Forthwith upon the grant of a period approval the approval holder shall notify to the authority the name, address and qualification of the responsible person for the approved place, if not the approval holder.

Procedure where applications are refused

8.—If an approval is refused, or if any conditions other than those specified in the Schedule are attached to the approval, the authority shall, within any notification given under regulation 5(3), notify the applicant in writing of-

- (a) its reasons for reaching its decision;
- (b) the right to seek a review of that decision under regulation 15; and
- (c) the right of appeal to the sheriff against that decision under regulation 16.

Duration and renewal of approvals

9.—(1) Subject to paragraph (6) and to regulations 11 to 13, a period approval shall be valid for a period of three years.

(2) Subject to regulations 11 to 13, a temporary approval shall be valid only for the date stated on that temporary approval, unless the authority, on the request of the applicant in writing, and having consulted the appropriate district registrar, agrees to amend the stated date.

(3) Without prejudice to the provisions of these Regulations as to the duration of approval or revocation of approval, or any condition as to notification of change of ownership, a period approval shall remain in force notwithstanding that the approval holder ceases to have an interest in the approved place and the person to whom his interest is transferred shall be deemed to be the approval holder in his place.

(4) An application for renewal of a period approval may be made by the approval holder not less than six months, nor more than twelve months, before it is due to expire.

(5) Regulations 3 to 7 shall apply to an application to renew a period approval as they apply to an application for a period approval and as though any reference in them—

(a) to an applicant were to an applicant for renewal; and

(b) to a grant of a period approval were to a renewal of a period approval.

(6) If an application for renewal has been made in accordance with paragraphs (4) and (5) and that application has not been finally determined or withdrawn before the date on which the approval would otherwise expire, the approval shall continue in effect until such time as the application is finally determined or withdrawn.

Fees

10.—(1) An authority may, in accordance with paragraphs (2) to (4), determine a fee in respect of an application or the renewal of a period approval, and may determine that fee either for that particular application or renewal or for applications or renewals generally or of any particular class.

(2) A fee determined for a particular application or renewal shall not exceed the amount which reasonably represents the costs incurred or to be incurred by the authority in respect of that application or renewal.

(3) A fee determined for applications or renewals generally or of a particular class shall not exceed the amount which reasonably represents the average costs incurred or likely to be incurred by the authority in respect of an application or renewal, or, as the case may be, in respect of an application or renewal of that class.

(4) A fee determined in respect of an application or renewal may not include an amount representing costs incurred in respect of any review or possible review under regulation 15 unless and until such a review is requested in relation to that application or renewal; but where such a review is requested an authority may determine an additional fee in respect of that application or renewal in accordance with paragraph (2) or (3), taking into account only the additional costs arising from review.

(5) An authority may charge a fee in respect of an application or renewal, or an amount on account of such fee, even though it may not yet have incurred any cost in respect of that application or renewal.

Revocation of approval by authority at the instance of the authority

11.—(1) Subject to the following provisions of this regulation, an authority which has granted an approval may revoke it with immediate effect at any time if it is satisfied that—

- (a) the approval holder has failed to comply with one or more of the conditions attached to the approval under regulation 7(1), or
- (b) the nature of the approved place has changed so that having regard to the requirements set out in regulation 6, and any requirements set by the authority in accordance with regulation 5(1)(c), the approved place is no longer suitable for the solemnisation of marriages by an authorised registrar under section 18(1)(b) or 18(2)(b) of the Act.

(2) Before revoking an approval under paragraph (1), the authority shall deliver to the approval holder a notice in writing specifying the ground or grounds upon which it proposes to revoke the approval and inviting the approval holder to make written representations as to the proposed revocation within such period, being not less than 14 days, as is specified in the notice.

(3) The authority shall deliver a copy of the notice under paragraph (2) to the district registrar for the registration district in which the approved place lies.

(4) Before reaching a final decision on the proposed revocation, the authority shall take into account any representations made to it within the period referred to in paragraph (2) by or on behalf of the approval holder.

(5) If the authority decides to revoke an approval under paragraph (1), it shall deliver a notice of revocation in writing to the approval holder, stating the date upon which the approval shall cease to have effect and the procedure whereby such decision may be subject to review under regulation 15.

Revocation of approval by authority on direction of the Registrar General

12.—(1) If, in the opinion of the Registrar General, there have been breaches of the law relating to marriage in the approved place the Registrar General may direct the authority to revoke any approval.

(2) Before directing any such revocation under paragraph (1), the Registrar General shall notify the approval holder in writing—

- (a) of the grounds upon which the Registrar General proposes to direct that the approval be revoked; and
- (b) inviting the approval holder to make representations in writing to the Registrar General as to the proposed revocation within such period, being not less than 14 days, as the Registrar General shall specify.

(3) Before reaching a final decision on the proposed direction, the Registrar General shall take into account any representations made to him within the period referred to in paragraph (2) by or on behalf of the approval holder.

(4) The authority shall forthwith revoke any approval with immediate effect, by delivering to the approval holder a notice of revocation in writing, if directed to do so in writing by the Registrar General under paragraph (1). The authority shall send a copy of such notice of revocation to the district registrar in whose registration district the place lies.

Revocation of approval by authority on request of the approval holder

13.—The authority shall revoke any approval with immediate effect, by delivering to an approval holder a notice of revocation in writing, as soon as practicable after being requested to do so by the approval holder. The authority shall send a copy of such notice of revocation to the district registrar in whose registration district the place lies.

Notification of revocation to be given by approval holder to parties planning to marry

14.—Upon receipt of a notice of revocation under regulations 11(5), 12(4) or 13 the approval holder shall forthwith give notice of the revocation to all parties who have made arrangements to marry, but whose marriages have not yet been solemnised, in the place in respect of which the notice of revocation has been served.

Reviews

15.—(1) An applicant who is aggrieved in relation to a decision of an authority—

- (a) to refuse an approval;
- (b) to attach to an approval conditions other than those specified in the Schedule; or
- (c) to amend the date of the temporary approval under regulation 9(2),

may request a review of that decision.

(2) An approval holder who is aggrieved in relation to a decision of an authority—

- (a) to refuse to renew a period approval;
- (b) to attach to the renewal of that approval conditions other than those specified in the Schedule; or
- (c) to revoke that approval otherwise than under regulation 12(4) or 13,

may request a review of that decision.

(3) A person requesting a review under paragraphs (1) or (2) shall deliver such request to the authority, accompanied if the authority so requires (except in the case of a request to review a decision to revoke an approval) by a fee, or an amount on account of that fee, determined in accordance with regulation 10.

(4) The authority shall forthwith arrange for a review of the decision by the authority and neither an officer nor any member of a committee or sub-committee of the authority which made the decision on behalf of the authority shall take part in the decision on the review.

(5) On a review of a decision the authority may, acting in accordance with regulation 5(1) and (2)–

- (a) confirm the original decision;
- (b) vary an original decision to grant or renew approval, in particular by removing conditions attached under regulation 7(1) or by attaching new or different conditions; or
- (c) substitute a different decision, which may, where the original decision was to revoke an approval, be a decision that the approval should not be revoked but should be subject to new or different conditions than those which were previously attached to it.

(6) The authority shall give notice in writing to the applicant or holder of its decision on review, stating its reasons for that decision and (except where the original decision is confirmed) the date from which it takes effect. The authority shall send a copy of such notice to the district registrar in whose registration district the place lies.

Appeal to the Sheriff

16.—(1) Any person mentioned in regulation 15(1) and (2) may appeal to the sheriff against any decision of the authority made under these Regulations.

(2) An appeal under this regulation shall be made by way of summary application and shall be lodged with the sheriff clerk within 21 days from the date of the decision appealed against.

(3) On good cause being shown, the sheriff may hear an appeal under this regulation notwithstanding that it was not lodged within the time mentioned in paragraph (2) above.

(4) In upholding an appeal under this regulation the sheriff may–

- (a) remit the case with the reasons for the sheriff’s decision to the authority for reconsideration by the authority of its decision; or
- (b) reverse or alter the decision of the authority.

Registers of approved places

17.—(1) Each authority shall keep a register of every approved place within its area for which a period approval has been granted, containing–

- (a) the name, description and full postal address (if any) of the approved place;
- (b) the name and address of the approval holder;
- (c) the name, description and address of the responsible person;
- (d) the date of grant of the approval and, where that approval is renewed, the date of such renewal; and

- (e) the due date of expiry of that approval and, where that approval is revoked, the date on which such revocation takes effect.
- (2) The authority shall make the appropriate entries in the register forthwith upon the grant of any approval and shall amend the register forthwith on notification that any of the details listed in paragraph (1) have changed, or on renewal or revocation of an approval.
- (3) Forthwith on making or amending any entry in the register under paragraph (2), the authority shall deliver a copy of that entry or amendment to the Registrar General and to the district registrar for the registration district in which the approved place in question lies.
- (4) The authority shall make available for public inspection the current register kept under paragraphs (1) and (2) during the normal working hours of the authority.
- (5) The district registrar shall make available for public inspection the current register for its registration district, based upon the entries provided by the authority under paragraph (3), at any time when the registration office is open for public business.
- (6) The Registrar General shall make available for public inspection the current register, based upon the entries provided by the authority under paragraph (3), at all reasonable times.

Guidance concerning grants of approval and approved place

18.—The Registrar General shall from time to time issue guidance supplementing the provisions made by these Regulations.

SCHEDULE

STANDARD CONDITIONS TO BE ATTACHED TO PERIOD APPROVALS

1. The approval holder must ensure that there is at all times a responsible person and that the responsible person's occupation, seniority, position of responsibility in relation to the place, or other factors (the "responsible person's qualifications"), indicate that the responsible person is in a position to ensure compliance with these conditions.
2. The responsible person or, in the absence of the responsible person, an appropriately qualified deputy appointed by the responsible person, shall be available in or at the approved place for a minimum of one hour prior to each civil marriage ceremony and throughout each civil marriage ceremony.
3. The approval holder must notify the authority immediately of any change to any of the following –
 - (a) the nature of the approved place from that described in the approved application;
 - (b) the name, description and full postal address (if any) of the approved place;
 - (c) the name or address of the approval holder; and
 - (d) the name, address or qualification of the responsible person or any newly appointed responsible person.
4. The approved place must be made available at all reasonable times for inspection by the authority.
5. No food or drink may be sold or consumed in any approved place in which a marriage ceremony takes place for one hour prior to that ceremony or during the ceremony, except that where the ceremony takes place in a separate room or similar defined space within the approved place then this restriction shall apply only within that room or space.
6. The arrangements for each civil marriage ceremony must meet with the prior written approval of the district registrar of the registration district in which the approved place lies.
7. Any reference to an approved place on any sign or notice, or on any stationery or publication, or within any advertisement, relating to that place, may state that the approved place has been approved by the authority as a venue for civil marriages in pursuance of sections 18(1)(b) and (2)(b) of the Act, but shall not state or imply any recommendation of the approved place or its facilities by the authority, the Registrar General or any of the officers or employees of either of them.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 1 of the Marriage (Scotland) Act ##### amended the Marriage (Scotland) Act 1977 to permit civil marriages to take place in places approved for the purpose by local authorities.

These Regulations set out -

- (a) the parties who may apply for approval of a place as the location for a civil marriage (regulation 2) and the application procedures for those parties (regulations 3 and 4);
- (b) the considerations to be taken into account by a local authority in deciding any application (regulation 5), including requirement criteria for places to be approved (regulation 6);
- (c) the procedure for granting an application including the imposition of both the standard conditions (the Schedule) and additional conditions to every grant of approval (regulation 7), and refusing an application (regulation 8);
- (d) the duration of approvals and the procedure for renewal (regulation 9);
- (e) the determination of fees by a local authority to charge for approval of places and renewals of approvals (regulation 10);
- (f) the grounds and procedures for revocation of an approval (regulations 11 to 14);
- (g) the procedure for reviews of decisions made by the local authority (regulation 15) and appeals of any such decisions to the sheriff (regulation 16);
- (h) the requirements for registers of approved place (regulation 17); and
- (i) the duty on the Registrar General to issue supplementary guidance (regulation 18).